

AMENDED IN ASSEMBLY JULY 14, 2008
AMENDED IN ASSEMBLY AUGUST 20, 2007
AMENDED IN SENATE APRIL 25, 2007
AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 588

Introduced by Senator Runner

February 22, 2007

An act to amend Section 81142 ~~of, and to add Article 3.5 (commencing with Section 81060) to Chapter 1 of Part 49 of Division 7 of Title 3 of, the Education Code, to add Section 14963.1 to the Government Code, and to amend Section 13138 of the Health and Safety Code of the Education Code~~, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 588, as amended, Runner. Postsecondary education: community college school buildings.

~~(1) Existing~~

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law requires the Department of General Services (department) to supervise the design and construction of certain school buildings, including specified community college facilities, to ensure that plans and specifications comply with specified structural safety standards and to ensure that the work of construction has been performed in accordance

with the approved plans and specifications, for the protection of life and property. Existing law also requires the department to pass upon and approve or reject all plans for the construction of, and in some cases, the alteration of, any school building subject to those provisions, and to inspect the school buildings and work of construction or alteration that in its judgment is necessary or proper for the enforcement of these requirements and the protection of the safety of the students, the instructors, and the public. These requirements are part of the body of law known as the Field Act.

~~This bill would require the board of governors to appoint a System Building Official of the California Community Colleges, and would specify the qualifications and responsibilities of that official.~~

~~The bill would require that, if the design and construction of any school building or the reconstruction or alteration of, or addition to, any school building on a community college campus is performed pursuant to the California Building Standards Code, the System Building Official of the California Community Colleges supervise the design and construction of any school building or the reconstruction or alteration of, or addition to, any school building to ensure that plans and specifications comply with the rules and regulations of the California Building Standards Code, as adopted by the California Building Standards Commission, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property.~~

~~The bill would provide that, if the design and construction of any school building on a community college campus is performed pursuant to the California Building Standards Code, the System Building Official of the California Community Colleges would pass upon, and approve or reject, all plans for the construction or, if the estimated cost exceeds \$25,000, or as required by the California Building Standards Code, the alteration of any school building. The bill would require the governing board of any community college district, before adopting any plans for the school building, to submit the plans to the system building official for review and approval or rejection. The bill would authorize the board of governors to establish, and charge, a reasonable fee for its services provided under this provision.~~

Existing law requires school buildings that are constructed, reconstructed, modified, or expanded after July 1, 2006, on a community college campus to be built according to the Field Act or according to

the California Building Standards Code, as adopted by the California Building Standards Commission.

~~The~~

This bill would authorize the board of governors to develop and adopt regulations for the enforcement of the California Building Standards Code with respect to community college facilities. The bill would ~~authorize~~ require the board of governors to submit proposed building standards for community college school buildings designed and constructed pursuant to the California Building Standards Code for review and approval and adoption or rejection by the California Building Standards Commission.

The bill would declare the intent of the Legislature that any alternative process developed pursuant to prescribed provisions of law provide for continuous inspection of facilities.

~~The bill would require the System Building Official of the California Community Colleges to supervise inspections of works of construction or alteration affecting school buildings on a community college campus that, in his or her judgment, are necessary or proper for the enforcement and the protection of the health and safety of the students, the instructors, and the public. The bill would require the selection of inspectors who have been trained and evaluated by the Department of General Services. The bill would require copies of the inspection reports to be provided to the appropriate local authorities.~~

~~(2) Existing law has transferred to the Division of the State Architect the duties and functions formerly conducted by the State Fire Marshal related to construction, school, plan checking, and construction inspection.~~

~~This bill would require that a school building, designed and constructed as provided on a community college campus, be reviewed for fire and life safety aspects by the State Fire Marshal. The community college would have to pay a reasonable fee to the State Fire Marshal in an amount sufficient to recover the costs incurred.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~Article 3.5 (commencing with Section 81060) is~~
- 2 ~~added to Chapter 1 of Part 49 of Division 7 of Title 3 of the~~
- 3 ~~Education Code, to read:~~

Article 3.5. ~~System Building Official of the California
Community Colleges~~

81060. ~~The Legislature finds and declares all of the following:~~

(a) ~~It is the intent of the Legislature to provide through this article an alternative, as authorized by Section 81052 of the Education Code, to the process overseen by the Department of General Services pursuant to the Field Act.~~

(b) ~~The alternative process described in this article will ensure that school buildings constructed, reconstructed, modified, or expanded on a community college campus are in compliance with the California Building Standards Code.~~

(c) ~~Community colleges will maintain the option of utilizing the existing Department of General Services process for ensuring compliance with the Field Act.~~

(d) ~~This article should be implemented in a manner to ensure that community colleges realize time and cost savings in the construction process as compared to the existing process overseen by the Department of General Services, while meeting the same seismic safety performance levels.~~

(e) ~~The alternative process described in this article should ensure a high level of public safety, provide consistency and objectivity in review, approval, and inspection of construction projects, and provide the flexibility to be responsive to the unique organizational characteristics of the California Community Colleges.~~

(f) ~~The alternative process described in this article contains an effective independent inspection process of those aspects of the California Building Standards Code applicable to community college construction.~~

(g) ~~Districts opting to use the alternative process described in this article will realize enhanced economy and efficiency of construction of community college buildings.~~

(h) ~~Systemwide costs of the alternative process should not exceed the cost of utilizing the services of the Department of General Services.~~

(i) ~~Staff and financial resources to implement or participate in the alternative process should be drawn from existing resources to the extent possible, including, but not limited to, sharing of staff resources across districts and utilization of existing community~~

1 college personnel to carry out any additional campus or district
2 responsibilities.

3 (j) This article should be implemented in a manner to ensure
4 that any additional costs to community college construction not
5 exceed the benefits and savings realized through use of the
6 alternative process described in this article.

7 81061. (a) The office of the System Building Official of the
8 California Community Colleges is hereby established. The System
9 Building Official for the California Community Colleges shall
10 either be a registered structural engineer or a licensed architect.
11 He or she shall be appointed by the board of governors, and shall
12 have all of the following responsibilities:

13 (1) Appointment of deputies and establishment of administrative
14 procedures and requirements for code enforcement and
15 interpretation.

16 (2) Determination of applicability where there is a conflict
17 between a general requirement and a specific requirement, in which
18 case the specific requirement shall be applicable.

19 (3) Interpretation of code requirements.

20 (4) Approval of alternative means and methods consistent with
21 the intent of the California Building Standards Code.

22 (5) Setting of requirements for construction documentation.

23 (6) Determination of structures to which the requirements apply,
24 including temporary structures and uses.

25 (7) Administration of the independent technical peer review
26 process.

27 (8) Administration of inspections and interpretation of their
28 findings.

29 (9) Issuance of permits and certificates of occupancy.

30 (10) Setting of requirements for utility connections.

31 (11) Establishment of a board of appeals.

32 (12) Enforcement of California Building Standards Code
33 provisions by issuance of notices of violations, stop work orders,
34 and posting of unsafe structures and equipment.

35 (b) Notwithstanding any other provision of law, if the design
36 and construction of any school building or the reconstruction or
37 alteration of, or addition to, any school building is performed
38 pursuant to the California Building Standards Code as provided
39 under Section 81052, the System Building Official of the California
40 Community Colleges shall supervise the design and construction

1 of any school building or the reconstruction or alteration of, or
2 addition to, any school building to ensure that plans and
3 specifications comply with the rules and regulations of the
4 California Building Standards Code, as adopted by the California
5 Building Standards Commission, and to ensure that the work of
6 construction has been performed in accordance with the approved
7 plans and specifications, for the protection of life and property.
8 Independent technical peer reviews shall be performed for the
9 seismic aspects in new and existing structures, from their design
10 initiation, for conformance to good seismic resistant practices.

11 81062. (a) Notwithstanding any other provision of law, if the
12 design and construction of any school building is performed
13 pursuant to the California Building Standards Code as provided
14 under Section 81052, the System Building Official of the California
15 Community Colleges shall pass upon, and approve or reject, all
16 plans for the construction or, if the estimated cost exceeds
17 twenty-five thousand dollars (\$25,000), or as may be required
18 under the administrative procedures of the California Building
19 Standards Code, the alteration of any school building. To enable
20 the system building official to carry out his or her duties under this
21 subdivision, the governing board of any community college district,
22 before adopting any plans for a school building under this
23 subdivision, shall submit the plans to the system building official
24 for review and approval or rejection.

25 (b) For services rendered for the review of plans for school
26 buildings, and for related activities, by the system building official,
27 the board of governors may establish, and charge, a reasonable
28 fee.

29 81063. (a) Notwithstanding any other provision of law, if a
30 school building is designed and constructed pursuant to the
31 California Building Standards Code as provided under Section
32 81052, the System Building Official of the California Community
33 Colleges shall supervise the inspection of school buildings, and
34 of any work of construction or alteration affecting those buildings.
35 The system building official shall order any inspection that, in his
36 or her judgment, is necessary or proper for the enforcement and
37 the protection of the health and safety of the students, the
38 instructors, and the public. A community college district that is
39 constructing or altering any school building shall provide for and
40 require competent, adequate, and continuous inspection during

1 construction or alteration by an inspector who is approved by the
2 architect or structural engineer and who is also approved by the
3 system building official.

4 ~~(b) The inspector shall be selected from a list of inspectors~~
5 ~~trained and evaluated by the Department of General Services~~
6 ~~pursuant to Section 17311. The inspector shall report to, and be~~
7 ~~responsible to, the system building official for all inspections he~~
8 ~~or she performs. Copies of all inspection reports shall also be~~
9 ~~provided to the appropriate local authorities by the governing board~~
10 ~~of the community college district.~~

11 SEC. 2.

12 SECTION 1. Section 81142 of the Education Code is amended
13 to read:

14 81142. (a) (1) Except as provided in subdivision (b), or in
15 Section 18930 of the Health and Safety Code, the Department of
16 General Services may, from time to time, make rules and
17 regulations as it deems necessary, proper, or suitable to carry out
18 this article.

19 (2) The Department of General Services shall adopt and submit
20 building standards for approval pursuant to Chapter 4 (commencing
21 with Section 18935) of Part 2.5 of Division 13 of the Health and
22 Safety Code for the purposes described in this article.

23 ~~(b) Except as provided in subdivision (a), or in Notwithstanding~~
24 ~~subdivision (a), consistent with~~ Section 18930 of the Health and
25 Safety Code, for community college school buildings designed
26 and constructed pursuant to the California Building Standards
27 Code as provided under Section 81052, the board of governors
28 may develop and adopt regulations that it deems necessary to
29 enforce the California Building Standards Code with respect to
30 community college facilities. The board of governors ~~may~~ shall
31 submit proposed building standards for community college school
32 buildings designed and constructed pursuant to the California
33 Building Standards Code for review and approval and adoption or
34 rejection by the California Building Standards Commission
35 pursuant to Chapter 4 (commencing with Section 18935) of Part
36 2.5 of Division 13 of the Health and Safety Code.

37 SEC. 3. ~~Section 14963.1 is added to the Government Code, to~~
38 ~~read:~~

39 ~~14963.1. If a school building is designed and constructed~~
40 ~~pursuant to the California Building Standards Code as provided~~

1 under Section 81052 of the Education Code, that building shall
2 have its plans reviewed and be inspected for fire and life safety
3 aspects by the State Fire Marshal according to the California
4 Building Standards Code, as adopted by the California Building
5 Standards Commission, and the community college district shall
6 pay a reasonable fee to the State Fire Marshal in an amount
7 sufficient to recover the costs incurred.

8 SEC. 4. Section 13138 of the Health and Safety Code is
9 amended to read:

10 13138. (a) For state agencies, departments, community college
11 districts, or programs that are charged for the costs of fire and life
12 safety building code inspections rendered by the State Fire Marshal,
13 the State Fire Marshal shall charge an amount sufficient to recover
14 the costs incurred for the fire and life safety building code
15 inspections.

16 (b) Upon the request of the State Fire Marshal, in the form
17 prescribed by the Controller, the Controller shall transfer the
18 amount of the charges for services rendered from the agency's
19 appropriation to the appropriation for the support of the State Fire
20 Marshal's office.

21 (c) A state agency that has a dispute regarding charges for fire
22 and life safety building code inspections provided by the State Fire
23 Marshal shall notify the State Fire Marshal, in writing, of the
24 dispute and the basis therefor. The State Fire Marshal shall
25 immediately provide a credit to the state agency in the subsequent
26 billing or billings for the amount of the charges in dispute. No
27 further transfer of funds shall occur with respect to the services
28 for which charges are disputed until the dispute is resolved by the
29 State Fire Marshal, subject to the approval of the Department of
30 Finance.

31 (c) *It is the intent of the Legislature that any alternative process*
32 *developed pursuant to Section 81052 of the Education Code*
33 *provide for continuous inspection of facilities.*